

REMARKS/ARGUMENTS

In the Office Action dated February 27, 2006, claims 1-27 were subjected to a restriction requirement based upon Group I, claims 1-12 and 22-27, drawn to a conductive component, and Group II, claims 12-21 drawn to a method of manufacturing a conductive component. In a telephone conversation with Examiner Parsons and Applicant's counsel Cary Brooks, on February 8, 2006, Applicant made a provisional election with traverse to prosecute the invention of Group I, claims 1-12 and 22-27, with claims 13-21 having been withdrawn from further consideration by the Examiner. Applicant hereby formally elects to prosecute the invention of Group I, claims 1-12 and 22-27 with traverse for the following reasons.

The Examiner's attention is respectfully directed to 35 U.S.C. 121 which states: "If two or more independent and distinct inventions are claimed in one application, the director may require the application to be restricted to one of the inventions." The Office Action fails to identify how the inventions of Group I and II are independent. Examples of independent inventions would be an invention to a football and an invention to an internal combustion engine. The two inventions are unrelated, have nothing in common, and therefore are independent. Applicant properly included related inventions to a product and a method of making the same in one application to fulfill statutory requirements, for example, those requirements set forth in 35 U.S.C. 112. Since there has been no showing that the inventions are independent, Applicant is entitled to have the inventions set forth in claims 1-27 examined in one application.

Claims 22-24 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

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Applicant regards as the invention. Applicant has amended claims 22-24 in a manner which is believed to overcome the rejection. Withdrawal of the rejection is respectfully requested.

Claims 1-4, 9-11 and 25-26 were rejected under 35 U.S.C. 102(b) as being anticipated by Lemelson U.S. Patent No. 5,740,941. Applicant has amended independent claim 1 to call for a product including two spaced apart fuel cell bipolar plates, having a doped coating deposited on the bipolar plate, and further comprising an electrolyte membrane interposed between the two spaced apart fuel cell bipolar plates. Lemelson '941 does not disclose claim 1 as amended. Withdrawal of the rejection under 35 U.S.C 102(b) is respectfully requested.

Applicant has amended independent claim 25 to recite a product comprising a coating over an intrinsically corrosion resistant and conductive fuel cell bipolar plate having gas flow passages formed therein and gas supply openings and gas discharge openings, and wherein the coating comprises at least one of a doped diamond coating or a doped diamond-like carbon coating. Lemelson '941 does not disclose such a coating on a fuel cell bipolar plate. Withdrawal of the rejection of claim 25 under 35 U.S.C. 102(b) is respectfully requested.

Claims 5-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson as applied to claims 1-4 above. Again, independent claim 1 has been amended to recite product including two spaced-apart fuel cell bipolar plates, and further comprising an electrolyte membrane interposed between the two spaced-apart fuel cell bipolar plates. Lemelson '941 does not suggest such a product. Withdrawal of the rejection of claims 5-8 under 35 U.S.C. 103(a) is respectfully requested.

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Claims 12 and 27 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson as applied to claims 1 and 25 in the Office Action, and further in view of Adlhart et al, U.S. Patent No. 3,623,913. Again, independent claim 1 has been amended to recite a product including two spaced-apart fuel cell bipolar plates, and further including an electrolyte membrane interposed between the two spaced-apart fuel cell bipolar plates. Lemelson '941 discloses numerous products on which a diamond material may be deposited. However, of the estimated 100 plus possible products on which such a coating might be deposited, Lemelson never suggests placing such a coating on a fuel cell bipolar plate. The Examiner's attention is respectfully directed to Lemelson, column 5, line 62 – column 6, line 3, which states:

In another form of the invention, synthetic diamond or diamond-like coatings may be formed in film thicknesses in the range of about 0.000004 "to 0.0001" or more with such coatings being transparent to permit the color and finish of the surfaces of articles to which they are applied to be viewed while protecting the visible marking from scuffing, scratching and other forms of erosion during use as well as corrosion due to chemicals applied thereto during cleaning and use and in the atmosphere.

Lemelson never suggests that his coated articles should be used in a fuel cell. Nor does Lemelson provide a person of ordinary skill in the art a reasonable explanation of success in using a doped diamond coating or a doped diamond-like carbon coating on a fuel cell bipolar plate and that such would be successful in the corrosive fuel cell environment and would provide improved contact resistance according to the claimed invention.

The Examiner's attention is also respectfully directed to Adlhart et al '913, column 4, lines 64-68 which teaches the use of gold-coated aluminum for bipolar plates. As such, Adlhart '913 actually teaches away from Applicant's claimed invention.

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Independent claim 25 recites "a product comprising a coating over an intrinsically corrosion resistant and conductive fuel cell bipolar plate having gas flow passages formed therein and gas supply openings in gas discharge openings, said coating comprising at least one of a doped diamond coating or a doped diamond-like carbon coating." Again, Lemelson '941 discloses 100 plus articles on which a diamond coating may be deposited, none of which suggests coating a bipolar plate with the structural features set forth in claim 25. Further, Adlhart '913 discloses a gold-coated aluminum bipolar plate and thus teaches away from Applicant's claimed invention set forth in independent claim 25. On page 7 of the February 27, 2006 Office Action, the Examiner states:

Adlhart et al discloses a bipolar plate that in selecting a suitable material of construction for the bipolar plate, the corrosive environment of the cell and the electrical and thermal conductivity of the material and its cost are considerations.

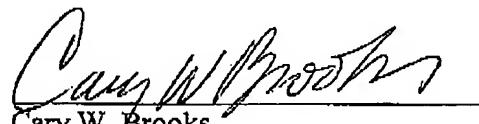
However, the Examiner fails to support his position with any evidence from the prior art. Notwithstanding, there is no suggestion in the prior art that a person of ordinary skill in the art would have a reasonable expectation of success in coating a fuel cell bipolar plate with a doped diamond coating or a doped diamond-like carbon coating in the corrosive environment of a fuel cell and that such would provide improved contact resistance. Withdrawal of the rejection under 35 U.S.C. 103(a) over Lemelson in view of Adlhart is respectfully requested.

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In view of the above amendments and remarks, Applicant respectfully requests reconsideration and allowance of the claims now in the case.

Respectfully submitted,

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